

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

In the Matter of the Arbitration Proceedings between

JOHN HANCOCK LIFE INSURANCE COMPANY,
Petitioner,

Civil Action No.
04 10181MLW

and

SPHERE DRAKE INSURANCE LIMITED,
Respondent.

**JOHN HANCOCK LIFE INSURANCE COMPANY’S MOTION TO STRIKE
PORTIONS OF SPHERE DRAKE’S MEMORANDUM IN SUPPORT OF ITS
MOTION TO DISMISS JOHN HANCOCK’S VERIFIED AMENDED
COMPLAINT AND EXHIBIT 1 AND LOCAL RULE 7.1(A)(2) CERTIFICATE¹**

The plaintiff, John Hancock Life Insurance Company (“John Hancock”), hereby respectfully requests that this Court strike the Background section entitled “English Judgment” (pp. 3-5) of Sphere Drake Insurance Limited’s Memorandum in Support of its Motion to Dismiss John Hancock’s Verified Amended Complaint (“Sphere Drake’s Memorandum in Support”) and the attached Exhibit 1 which is the judgment in the *Sphere Drake Ins. Ltd. v. Euro Int’l Underwriting Ltd.*, Case No. 2000 Folio 249, 2003 WL 21729222 (Q.B. July 8, 2003) English Action (the “English Action”), in which John Hancock was not a party.

As reasons therefore, John Hancock states that the Background Section of the Supporting Memorandum entitled “English Judgment” (pp. 3-5) and Exhibit 1 contain

¹ Also currently pending before this Court is the motion by John Hancock to Strike portions of the previously filed Memorandum in Support of Sphere Drake’s Motion to Dismiss John Hancock’s Petition to Compel Arbitration Proceedings and portions the Affidavit of Raymond Gordon Bell.

immaterial, irrelevant and inflammatory statements and are not properly before this Court for purposes of an inquiry under 9 U.S.C. §4.

In further support of this motion, John Hancock submits herewith a Memorandum of Law in Support, which is incorporated by reference herein.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1, John Hancock hereby requests oral argument on its Motion to Strike as it believes such will assist the Court in its ruling on this matter.

Respectfully Submitted,

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Dated: March 10, 2004

Attorneys for
John Hancock Life Insurance Company

LOCAL RULE 7.1(A)(2) CERTIFICATE

I hereby certify pursuant to Local Rule 7.1(A)(2) of the Local Rules of the United States District Court for the District of Massachusetts that I have conferred in good faith with counsel for the Respondent but have been unable to resolve or narrow the issues set forth in John Hancock Life Insurance Company's Motion To Strike Portions Of Sphere Drake's Memorandum In Support Of Its Motion To Dismiss John Hancock's Verified Amended Complaint and Exhibit 1.

Michael A. Calawa, Esq. BBO# 643517

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of March, 2004, I served a copy of the foregoing John Hancock Life Insurance Company's Motion To Strike Portions Of Sphere Drake's Memorandum In Support Of Its Motion To Dismiss John Hancock's Verified Amended Complaint and Exhibit 1 by hand to the law firm Sally & Fitch and by regular mail to the law firm Butler Rubin Saltarelli & Boyd.

Mitchell S. King, Esq. BBO#272810